

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAY 29 AM 10:16

UNITED STATES OF AMERICA,

Plaintiff,

v.

Samuel HERNANDEZ-Ruiz

Defendant.

) Magistrate Case No.

) '08 MJ 1696

) COMPLAINT FOR VIOLATION OF: ~~IMMIGRATION~~

) Title 8, U.S.C., Section 1326;


) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:

On or about, **April 22, 2008**, within the Southern District of California, defendant, **Samuel HERNANDEZ-Ruiz**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **May** 2008.


UNITED STATES MAGISTRATE JUDGE

NAME: HERNANDEZ-Ruiz, Samuel

PROBABLE CAUSE STATEMENT

On April 22, 2008, the defendant identified as, Samuel HERNANDEZ-Ruiz, was apprehended by the United States Border Patrol near Tecate, California. Record checks revealed the defendant was on parole. State Parole Officers were contacted and a parole hold was issued. The defendant was booked into San Diego Central Jail for PC 3056 "VIOLATION OF PAROL". An Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from custody.

On May 28, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer conducted official record checks in regards to the defendant, and confirmed him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about January 12, 2006, and physically removed to Mexico on or about January 13, 2006, via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Samuel HERNANDEZ-Ruiz, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.